



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 4, 2022

BY CM/ECF

The Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ari Teman*, S2 19 Cr. 696 (PAE)

Dear Judge Engelmayer:

The Government writes to respectfully respond to defendant Ari Teman's request for a modification of his bail conditions to travel to Melbourne, Australia, from approximately February 9, 2022, to June 7, 2022. *See* Dkt. No. 296. The Government has conferred with Pretrial Services Officers Dayshawn Bostic (S.D.N.Y.) and David Ozoria (S.D. Fla.) regarding the defendant's request. As set forth below, the Government and Pretrial Services take no position on the defendant's request to travel. However, should the Court grant the defendant's proposal, the Government and Pretrial Services respectfully propose certain conditions that should be imposed regarding the defendant's travel.

On January 29, 2020, a jury convicted Teman on counts of bank fraud and wire fraud for exploiting his clients' bank account information to generate hundreds of thousands of dollars worth of checks that appeared to be authorized by his clients but, of course, were not. Following the defendant's conviction, the Government sought the defendant's remand pursuant to 18 U.S.C. § 3143(a). Following oral argument where the Court noted that immediate remand was a "close call," the Court ordered the defendant released subject to home detention enforced by location monitoring, among other conditions. *See* Trial Tr. 1157; Dkt. No. 91 (listing revised bail conditions). Since then, the defendant has moved multiple times to relax his bail conditions, citing the need to exercise, leave his home more frequently for health reasons, and the desire to work outside of ordinary business hours. *See* Dkt. Nos. 113, 201, 255. The Government has consented to some modifications and opposed others, and the Court has granted some modification and denied others. *See* Dkt. Nos. 203, 256, 282, 294. At this time, the defendant is released on bail pending his appeal subject to the following conditions: A \$50,000 personal recognizance bond secured by two financially responsible persons; Travel will be restricted to the Southern Eastern District of New York, Eastern District of New York, and Southern District of Florida; Surrender all travel documents and make no new applications; Strict Pretrial Services supervision; Mental health evaluation and treatment as directed by pretrial services; The defendant is not to create or deposit any remotely created check; and the defendant is to immediately suspend or terminate all credit card auto-pay arrangements with him or with any company which he is affiliated. *See* Dkt. Nos. 283, 294.

The defendant now seeks permission to travel to perform at the Melbourne Comedy Festival, which runs from March 30, 2022, to April 24, 2022. The defendant additionally seeks leave to travel to Melbourne three weeks before the festival “to allow for 2 weeks of quarantine and 1 week of technical preparation and rehearsal, which will also give the Defendant time to recover from jet lag” and leave to return to the United States two weeks after the Festival “to allow for 2 weeks of quarantine as may be required by Australia.” Dkt. No. 296 at 2.

The Government and Pretrial Services take no position on the defendant's request. Pretrial Services notes that all interactions with the defendant while he is in Australia would be remote, and officers would have no way of performing in-home inspections to verify where the defendant is staying during this extended period. Nor could Pretrial Services assist the defendant in the event of an emergency. The Government notes that the defendant seeks to travel in part to earn wages that will allow him to repay the victims in this case; however, he has already transmitted the full value of restitution in this case to the Clerk of Court. *See* Dkt. Nos. 270, 272.

The Government and Pretrial Services respectfully propose that, should the Court grant the defendant's request for travel, it impose the following conditions. First, the defendant should be required to provide Pretrial Services with his travel full itinerary including flight details and address/telephone number of his hotel; an emergency contact number; and proof of his invitation to perform at the event and confirmation of the dates he will be performing. Second, the defendant should report to his Pretrial Services officer in the Southern District of Florida prior to traveling. Finally, based on the current COVID-19 quarantine requirements for travelers to Melbourne,¹ the defendant should be permitted to travel to Melbourne one week before the date he is first performing at the festival and should be required to return to the United States within four days of his last performance at the festival.

Respectfully submitted,

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Cc: Defendant Ari Teman (by CM/ECF)
Pretrial Services Officer Dayshawn Bostic (S.D.N.Y.) (by email)
Pretrial Services Officer David Ozoria (S.D. Fla.) (by email)

¹ Specifically, overseas travelers who are vaccinated and going to Melbourne, which is in the State of Victoria, are required to quarantine upon arrival, obtain a rapid antigen test or PCR test within 24 hours, and then remain quarantined until they receive a negative result. *See Information for Overseas Travellers*, Government of Victoria, <https://www.coronavirus.vic.gov.au/information-overseas-travellers> (last visited Feb. 3, 2022). Travers seeking to leave Melbourne are not subject to any quarantine. *See Outbound International Travel*, Australian Department of Health, <https://www.health.gov.au/health-alerts/covid-19/international-travel/outbound> (last visited Feb. 3, 2022). At sentencing, the defendant indicated that he was vaccinated. *See* Sent’g Tr. at 47.